

In the  
**Indiana Supreme Court**

Delmas SEXTON, II	)	Supreme Court No. 02S00-0802-SJ-83
Plaintiff	)	
	)	
vs.	)	
	)	
Steven P. MILLER, et. al.	)	Case No. 02D01-0706-MI-35308
Defendants	)	in the Allen Superior Court
	)	

ORDER DISMISSING MOTION TO VACATE ORDERS AS VOID

On February 15, 2008, the Hon. Stephen S. Spindler filed his Petition for Relief from Appointment as Special Judge in this case. On February 25, 2008, Mr. Sexton filed a Verified Motion to Vacate Orders as Void, alleging Judge Spindler's absence from the state as the basis for his motion. This Court granted Judge Spindler's petition on March 6, 2008, and appointed the Hon. Thomas A. Hakes as special judge in this matter.

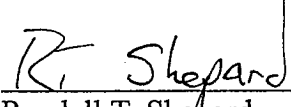
And this Court, being duly advised, now finds that Mr. Sexton's motion to vacate should be dismissed. Mr. Sexton's motion should be directed to the Allen Superior Court where this case is pending, not the Indiana Supreme Court.

IT IS, THEREFORE, ORDERED that Mr. Sexton's Motion to Vacate Orders as Void is hereby DISMISSED.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Thomas A. Hakes, Huntington Circuit Court, 201 North Jefferson Street, #301, Huntington, IN 46750-2800; to the Hon. Stephen S. Spindler; and to the Clerk of the Allen Superior Court.

The Clerk of the Allen Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 24<sup>th</sup> day of March, 2008.

  
Randall T. Shepard  
Chief Justice of Indiana